

1
2
3
4
5
6
7
8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 ALLAH,

11 Petitioner,

12 v.

13 PAUL L. SHERFEY,

14 Respondent.

CASE NO. C18-1713MJP

ORDER ADOPTING REPORT AND
RECOMMENDATION

15
16 THIS MATTER comes before the Court on Plaintiff's Objections to the Report and
17 Recommendation of the Honorable Brian A. Tsuchida, United States Magistrate Judge (Dkt.
18 Nos. 4, 6, 7.) Having reviewed the Report and Recommendation, the Objections, the
19 Supplemental Objections, and the related record, the Court ADOPTS the Report and
20 Recommendation and DISMISSES Petitioner's 28 U.S.C. § 2254 Petition for Habeas Corpus.
21 The Court further DENIES a certificate of appealability and DENIES AS MOOT Petitioner's
22 Motion for Leave to Proceed In Forma Pauperis (Dkt. No. 5).
23
24

1 Under Federal Rule of Civil Procedure 72, the Court must resolve de novo any part of the
2 Magistrate Judge's Report and Recommendation that has been properly objected to and may
3 accept, reject, or modify the recommended disposition. Fed. R. Civ. P. 72(b)(3); see also 28
4 U.S.C. § 636(b)(1). Petitioner raises numerous objections to the Report and Recommendation,
5 including (1) "that there is no judgment filed in the record," (2) the Court of Appeals "used fraud
6 and false statements to make a ruling in a case that has no judgment and sentence," and (3) that
7 Respondent stole his identity. (See Dkt. Nos. 6, 7.) However, Petitioner does not explain how or
8 why these facts would allow him to proceed on his habeas corpus petition, which is otherwise
9 subject to a one-year statute of limitations. See 28 U.S.C. § 2244(d)(1). The limitation period
10 for a habeas corpus petition filed by a person imprisoned under a state court judgment runs from
11 "the date on which the judgment became final by conclusion of direct review or the expiration of
12 the time for seeking such review" 28 U.S.C. § 2244(d)(1)(A). Petitioner's state convictions
13 have been final for more than one year, and he has previously filed numerous challenges to these
14 convictions. In his present petition, Petitioner has failed to demonstrate that he could not have
15 presented the grounds for relief he raises earlier.

16 The Court concurs with Judge Tsuchida's analysis and suggested disposition, and
17 therefore ADOPTS the Report and Recommendation in its entirety. The Court DENIES
18 Petitioner's 28 U.S.C. § 2254 Petition for Habeas Corpus, DENIES a certificate of appealability,
19 and DENIES Petitioner's Motion to Proceed In Forma Pauperis.

20 The clerk is ordered to provide copies of this order to Plaintiff and Judge Tsuchida.

21 Dated December 27, 2018.

22
23 

24 Marsha J. Pechman
United States District Judge